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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 OCT 19 PM 3:31

UNITED STATES OF AMERICA,

Plaintiff,

v.

Eduardo CABRERA-Amador,

Defendant.

Magistrate Case No.

07 MJ 2504

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 24, 2005**, within the Southern District of California, defendant, **Eduardo CABRERA-Amador**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Blake R. Bellamy
SIGNATURE OF COMPLAINANT
Blake R. Bellamy, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **October, 2007**.

W. Maloney
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**NAME: CABRERA-Amador, Eduardo****PROBABLE CAUSE STATEMENT**

As part of the assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On or about February 24, 2005, the defendant identified as Eduardo CABRERA-Amador was arrested by Officer Diaz of the San Diego County Sheriff's Department on an outstanding San Diego County Municipal Court warrant and booked into county jail. Subsequently, on December 20, 2005, Immigration Enforcement Agent Jesus Estrada determined the defendant to be a citizen of Mexico and placed an immigration detainer pending his release.

On Friday, October 19, 2007 at approximately 8:15 a.m., the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory Harrison conducted official record checks in regards to the defendant revealing him to be a citizen of Mexico and having been previously deported from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant had been ordered removed from the United States by an Immigration Judge on October 20, 1998, and removed to Mexico via the San Ysidro, California, Port of Entry. Record checks further revealed that the defendant has been issued a re-instatement of removal on three occasions, the most recent being on or about October 8, 2004, and removed to Mexico via the San Ysidro, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Eduardo CABRERA-Amador, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico having been previously deported to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Eduardo CABRERA-Amador has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code, section 1326, "Deported Alien Found in the United States".

Blake R. Bellamy
SIGNATURE OF COMPLAINANT
Blake R. Bellamy, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF October, 2007.

W. McBurney
UNITED STATES MAGISTRATE JUDGE